

## **REMARKS**

Claims 1-24 are now pending in the application. Claims 1-24 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner requests clarification in claim 1 whether the live agent and user employing the common reference frame are at the same location or at different locations. Applicant's have amended claim 1 to recite that the live agent is a remotely located live agent. Support for the amendment may be found in the Specification as originally filed at paragraph 23, wherein the live agent and user are illustrated to communicate by digital data link, Internet chat technology, an online instant messaging system, digital audio link, digital video link, or a telephone. Accordingly, it follows that the live agent can be remotely located.

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Pat. No. 6,263,358). This rejection is respectfully traversed.

Lee et al. is generally directed toward a scheduler for a software system having means for allocating tasks. In particular, the Examiner equates the software agents of

Lee et al. with the live agent of Applicant's claimed invention. However, Lee et al. does not teach, suggest, or motivate establishing a common reference frame between the user and a remotely located live human agent, wherein the user and the live agent simultaneously view at least one common page and the live agent assists the user.

Applicant's claimed invention is generally directed toward an Internet-based system designer with live agent assist. In particular, Applicant's claimed invention is directed toward an Internet-based system designer having a common reference frame in communication with a configurator tool, whereby a user of the configurator tool and a remotely located live human agent simultaneously view at least one common page, and the live agent assists the user. For example, independent claim 1, as amended, recites, "a common reference frame in communication with said configurator tool, whereby a user of the configurator tool and a remotely located live human agent simultaneously view at least one common page, wherein the live agent assists the user." Support for this amendment may be found in the Specification as originally filed at paragraph 9, wherein live agents are characterized as human assistants. Independent claim 13, as amended, recites similar subject matter. Therefore, Lee et al. does not teach, suggest, or motivate all of the elements of the independent claims.

These differences are significant because software agents are not capable of assisting a user as competently as a live human agent, which can respond in a sentient fashion as opposed to a preprogrammed fashion that cannot anticipate every situation. Also, human users being assisted are more likely to invite assistance from a live human agent than an impersonal software agent, and respond more favorably to upselling attempts from a live human agent.

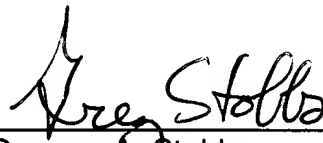
Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claims 1 and 13 under 35 U.S.C. § 103(a), along with rejection on these grounds for all claims dependent therefrom.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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